

Notice of Allowability

Application No.

10/828,565

Examiner

Matthew J. Daniels

Applicant(s)

BUCHENROTH, FELIX R.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The amendment filed 9 May 2007.
2. ☒ The allowed claim(s) is/are 30-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/26/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Rejections set forth previously under this section are withdrawn in view of the amended claim.

Allowable Subject Matter

2. Claims 30-53 are allowed.
3. The following is an examiner's statement of reasons for allowance:

As to Claim 30, the prior art does not teach or fairly suggest the claimed subject matter, and particularly the steps of selecting at least one dehydrated reef organism, wherein the dehydrated reef organism comprises a dehydrated marine animal, forming a mold of the at least one dehydrated reef-organism, molding at least one reef-organism structure, and adhering the at least one reef-organism structure to the reef-like formation to produce a reef artifact form.

As to Claim 47, the prior art does not teach or fairly suggest the claimed subject matter, and particularly the steps of selecting at least one real or simulated reef organism, forming a mold of each of the at least one real or simulated reef organism, molding at least one reef-organism structure, and adhering the at least one reef-organism structure to the reef-like formation to produce a reef artifact form.

As to Claim 50, the prior art does not teach or fairly suggest the claimed subject matter, and particularly the steps of selecting a plurality of dehydrated reef organisms, each comprising a dehydrated marine animal, forming a rubber negative mold of each of the plurality of dehydrated reef organisms, pouring a wax into each of the rubber negative molds to form the reef-organism

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structures, and adhering the at least one reef-organism structure to the reef-like formation to produce a reef artifact form.

As to Claim 51, the prior art does not teach or fairly suggest the claimed subject matter, and particularly the steps of selecting at least one real or simulated reef organism, forming a mold of each of the at least one real or simulated reef organism, molding at least one reef-organism structure, and adhering the at least one reef-organism structure to the reef-like formation to produce a reef artifact form.

The most pertinent references are Virgili (USPN 4496511) for its teaching regarding adhering of rocks and making negative molds, and Hudson (USPN 5215406) for its teaching regarding covering a surface with living coral species. However, these references do not provide the steps described above, namely the steps of forming a mold of a real or simulated organism or animal, forming a structure in the mold, and adhering the structure to a formation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 7/23/07

MJD

CJ
CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER